

Nebraska. The State of Nebraska Risk Manager did come into to testify on LB 262 as well as 288...or as well as LB 88, and the Risk Manager came in and testified in a neutral capacity, stating the consequences were relatively unclear. So we turned to the person that would probably be the authority on the question of what should be the additional cost to the State of Nebraska because that was our primary concern. Will this bill end up costing the State of Nebraska additional money? And in the decision in the fiscal estimate as to what would be the cost, Attorney General Spire stated that the cost could actually be reduced or if there would be an increase in cost, it would be very, very slight, if at all. What the consequences of this bill would be is that it would bring Nebraska into the same sort of laws that the other 49 states have in dealing with comparative negligence. I haven't been lobbied by anyone from Risk Management or DAS or, for that matter, the Governor's Office on this particular issue stating that this is going to cost the State of Nebraska money because I just don't believe that it will. And, quite frankly, when you divide up the different defendants that will be involved in a comparative negligence suit, it could actually end up saving the State of Nebraska money because someone else will have to pay part of the cost of some negligent action and, for that reason, I would just as soon that we not reconsider the Warner amendment, move on to a vote on LB 88 today and deal with the issue for one final time on Final Reading. Thank you.

PRESIDENT MOUL: Thank you, Senator Abboud. I will now recognize Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, briefly, I have made the argument before, but one argument that I didn't mention yesterday, I have indicated, yes, that I thought the same substantial conditions ought to apply whether it's public or private but I have also consistently said that there were some exemptions, it seems to me, that applies to governmental subdivisions in which it would be unreasonable not to consider those separately. The logical way to do it since we could not because of a germaneness issue, we're prohibited from considering, even considering those issues on LB 88, it seemed the only fair, if fair is the word to be used, the only fair way was to take the cities and counties and the state out of, and other governmental subdivisions, out of 88, put into LB 262 the provisions of 88 when it is finalized and then deal with the issue there. We were told that we would have the opportunity to